

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 362,
Title 14, California Code of Regulations
Re: Nelson Bighorn Sheep

- I. Date of Initial Statement of Reasons: January 11, 2008
- II. Date of Pre-Adoption Statement of Purpose: March 21, 2008
- III. Date of Final Statement of Reasons May 13, 2008
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 8, 2008
Location: San Diego, California
 - (b) Discussion Hearing: Date: March 7, 2008
Location: Stockton, California
 - (c) Discussion Hearing: Date: April 11, 2008
Location: Bodega Bay, California
 - (d) Adoption Hearing: Date: May 9, 2008
Location: Monterey, California
- V. Update:

The Commission adopted the proposed language with the addition of the following language:

The original proposal provided a range of license tags for bighorn sheep hunting. The original proposal and the final tag allocation are summarized in the following table:

HUNT ZONE	2008 Original Tag Allocation Proposal	2008 Final Tag Allocation
Zone 1 - Marble/Clipper Mountains	3-5	5
Zone 2 - Kelso Peak/Old Dad Mountains	4-6	6
Zone 3 - Clark/Kingston Mountain Ranges	1-3	3
Zone 4 - Orocopia Mountains	0-1	1
Zone 5 - San Geronio Wilderness	0-2	1
Zone 6 - Sheep Hole Mountains	1-3	1
Zone 7 - White Mountains	3-6	4
Open Zone Fund-Raising Tag	1-3	2
TOTAL	13-29	23

In addition, the original proposal is changed to allow the fund-raising tag hunters into Zone 4 (Orocopia Mountains).

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

One oral comment was received from Mr. Kyle Meisner during public testimony at the March, 2008 Fish and Game Commission Meeting. The response and analysis of that comment is included in the attached - Responses to Public Comments for Changes In the Mammal Hunting and Trapping Regulations Received by the Fish and Game Commission, February 8 2008 through April 11, 2008.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1812 Ninth Street
Sacramento, California 95814

IX. Descriptions of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Number of Tags

An alternative was considered which involved issuing fewer tags to take Nelson bighorn rams. The current statutory restriction allows a quota of no more than 15 percent of the mature rams observed in the designated hunt zones. This is a very conservative harvest ceiling. This alternative was rejected because the demand for bighorn sheep hunting is high, and the proposed quota changes more closely meet program objectives.

An alternative which involved translocating mature rams in lieu of removing them by hunting was considered. Since the Department currently has an active and ongoing bighorn sheep translocation program, relocating additional rams would not improve the program. This alternative would not address the Legislature's policy to provide diversified uses of wildlife, including hunting. Additionally, this alternative would not achieve the project objective of providing public hunting opportunities.

A no hunting alternative also was considered. This alternative would continue the translocation of bighorn sheep to available historical habitat, just as would occur under the proposed project. Under this alternative, it is possible that support for bighorn sheep management programs by interested conservation groups and hunters would decline. This decline could result in reducing the value of bighorn sheep to a segment of the public by unnecessarily preventing the hunting of a limited number of mature rams. In addition, it would not address the Legislature's policy to provide diversified uses of wildlife, including hunting. Therefore, this alternative would not achieve the project objectives.

(b) No Change Alternative:

1. Number of Tags

The no change alternative was considered and found inadequate because it would not attain the project objective. Based on the intent of Section 4902 of the Fish and Game Code, and results of population surveys, it is necessary to adjust the number of tags available in all hunting zones as the status of the sheep populations changes.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the

regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

UPDATED INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations provide for limited hunting of Nelson bighorn rams in seven hunt zones. The proposed change allows fund-raising tag hunters into Zone 4 (Orocopia Mountains) and adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	5
Zone 2 - Kelso Peak/Old Dad Mountains	6
Zone 3 - Clark/Kingston Mountain Ranges	3
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	1
Zone 6 - Sheep Hole Mountains	1
Zone 7 - White Mountains	4
Open Zone Fund-Raising Tags	2
TOTAL	23

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2007 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone.

**Responses to Public Comments
Mammal Hunting and Trapping Regulations
February 8, 2008 through April 11, 2008**

Section 362. Nelson Bighorn Sheep.

Description of Proposed Action by Public: Recommends that one additional bighorn sheep tags be allowed for Zone 7 White Mountains.

Proposal Source:

Kyle Meisner, CA Foundation for North American Wild Sheep (oral testimony at the March, 2008 Fish and Game Commission Meeting)

Recommendation: Accept.

Analysis: The Department recommends a reduction in the number of tags for Zone 7 from five to four tags, rather than to three tags. This reduction is a conservative action because past surveys have indicated a growing and productive bighorn sheep herd in the White Mountains area. This is supported by the 2007 aerial surveys. The law says that the Commission shall not authorize tags for taking more than 15% of the mature rams estimated by the Department. The law does not mandate issuing tags to take 15%.